
ANNUAL REPORT ON THE ENVIRONMENT

CHAPTER II

AIR

QUALITY

II. AIR QUALITY

A. ISSUES AND OVERVIEW

1. Introduction

Over the course of the past two years, the Environmental Quality Advisory Council has been attempting to discuss and bring focus to the “big-picture” problems and tradeoffs associated with the troubling efforts in the metropolitan area and particularly in Fairfax County to manage our now-chronic air quality non-attainment problems. Lest anyone might have forgotten how we got into this predicament, it should perhaps be recalled that the Clean Air Act (“CAA”) was reauthorized in 1990 to deal, among other things, with the pervasive problem of ozone non-attainment. The air quality issue of concern in Fairfax County is in fact the same ground level ozone that was such a concern at the time the statute was reauthorized. Our problem results from a classic combination of urban sources of volatile organic compounds (“VOCs”) (mostly from motor vehicles) and upwind sources of nitrogen oxides (“NOx”), which combine with VOCs to form ozone.

Aside from the health effects of ozone, which have been well documented, the problems that we face as a result of our chronic non-attainment are a direct result of the 1990 Clean Air Act Amendments (“CAAA”). Section 179 of the CAA addresses the consequences of chronic non-attainment by allowing the Environmental Protection Agency (“EPA”) to impose highway sanctions or take other discretionary steps as a result of the failure to meet the State Implementation Planning (“SIP”) requirements of the CAA. Further, under Section 176 of the CAA, the Federal Government is prohibited from supporting in any way, including the provision of financial assistance, any activity that does not conform to the SIP requirements of the CAA. As will be seen from our discussion below, the credibility of the SIP for Fairfax County and indeed for the entire metropolitan area is being called more and more into question.

Even though the Metropolitan Planning Organization (“MPO”) apparently enjoys the sympathy, if perhaps not the full support, of the EPA, the DC area has now become the poster child for very difficult and troubling questions associated with local ozone non-attainment. Our new-found status results largely from the July decision of the U.S. Court of Appeals for the D.C. Circuit casting aside the EPA/Metropolitan Washington Council of Governments (“COG”) decision that we could remain a serious non-attainment area based on projected ozone attainment tied to an extension of our attainment deadline from 1999 until 2005. As a result, the EPA is now required to bump the metropolitan area up to the status of a severe non-attainment area and address other short-comings identified by the Court. Notably, there appears to be some difference of opinion as what might actually be required to address the other short-comings.

While these circumstances apply to the entire metropolitan area, the overall air quality situation is based on a complex combination of weather patterns, transport of precursor pollutants from both inside and outside our area, as well as varying growth dynamics and automobile use patterns in differing regions within the metropolitan area. Among the local factors contributing to the problem, automobile usage tied to rapidly expanding urban growth is a particular problem. Without even understanding the complexities associated with air-quality management, the potential for regional and local one-upsmanship tied to the ever more difficult trade-offs between economic development tied to urban growth and the use of the automobile should be obvious.

The past two Annual Reports (“AREs”) have discussed this situation in some detail and EQAC has recommended a two-pronged approach tied to a hoped-for core commitment on the part of the County to develop its own capability to systematically evaluate air quality compliance needs and address them more directly in the context of the many air quality-related management activities that occur within the County. For a variety of reasons, most of which one way or another relate to the slowness with which government reacts, little or no direct action has occurred. Meanwhile, EQAC has begun the process of interacting with the County’s Environmental Coordinating Committee (“ECC”), the Planning Commission (“PC”) and the Transportation Advisory Commission (“TAC”) to discuss some of the issues associated with this difficult problem. The one thing that we can unhesitatingly conclude, just as we have in our past two AREs, is that the ongoing lack of key air quality planning capabilities in Fairfax County will continue to expose us not only to bad air but also to a more and more uncertain regulatory future.

a. NO_x SIP Call

The so-called NO_x SIP call is now moving forward as a result of the March, 2001 decision of the U.S. Supreme Court rejecting industry petitions and affirming the June, 2000 D.C. Court of Appeals decision upholding the SIP call. The history of this situation has been described in the previous two AREs. The implementation date of the SIP call in Northern Virginia as well as the rest of the Washington Metropolitan Area is 2003, while the implementation date for the rest of Virginia is 2004. The NO_x SIP call addresses the issue of transport of NO_x into our region and assumes that approximately 30% of our regional ozone non-attainment problem is caused by transport. The result is that in Fairfax County we should see somewhere in the neighborhood of a 20% reduction in NO_x as a result of the SIP call. Although the results of the SIP call litigation should be good news for Fairfax County, the relevance of the potential benefits of the SIP call appears to be substantially overshadowed by the significant increase in the actual extent of ground level ozone exceedances. Nor do the results of the Sierra Club lawsuit, which is discussed below, help.

b. Confirmation of EPA Ozone Eight-Hour and Particulate Matter Standards

Our inability in Fairfax County, and indeed in the Metropolitan Washington area as a whole, to attain the ozone one-hour standard, combined with the February, 2001

U.S. Supreme Court decision upholding EPA's new ozone eight-hour and particulate matter standards, sets the stage for a troubling future in Fairfax County when it comes to ozone non-attainment. Although the status of our current SIP has been linked to attainment of the one-hour standard, air quality monitoring of the new eight-hour standard over the past several years leaves little doubt that the new standard will inevitably make air quality management activities in the County considerably more difficult. Currently, EPA is projecting the issuance of implementation guidance for the eight-hour standard in the fall of 2002.

In 2001, the County once again had exceedances of both the one-hour and eight-hour standard. Exceedances of the eight-hour standard in 2001 substantially exceeded those in 2000, which is particularly troubling given the results of the Sierra Club lawsuit. As the County moves away from the one-hour standard and toward the eight-hour standard, the direct implications of chronic non-attainment, especially of the eight-hour standard, will inevitably become a much more serious matter in Fairfax County. As if to underscore this situation, so far in 2002 there have already been eleven exceedances of the one-hour standard on five different days and 71 exceedances of the eight-hour standard on 25 different days in Fairfax County alone.

c. Phase II Attainment (Rate of Progress Planning) in Northern Virginia

The basic purpose of the Phase II Attainment Plan, which was to project a plan that could be successfully reflected in the SIP for Fairfax County, has now been completely sidetracked by the results of the Sierra Club lawsuit. At a minimum, it can be expected that Fairfax County and the entire Metropolitan Planning Area will now be bumped up from a serious to a severe non-attainment area. It can only be guessed what further actions will be taken by EPA, but at best, this new non-attainment designation will almost certainly carry with it specific planning requirements for measures to offset the use of mobile sources in Fairfax County. Meanwhile, the other missing components of SIP planning that were highlighted by the Court will also have to be addressed by EPA. A serious problem that will have to be considered is whether Rate of Progress ("ROP") Planning beyond Phase II will be required, since even in the face of projected attainment under the Phase II Plan, our actual air quality, as reflected in the exceedances measured by our ever-shrinking monitoring system, clearly demonstrates an increasing pattern of non-attainment.

At worst, further lawsuits and other lobbying efforts may be expected by the environmental community with the objective of stopping Fairfax County development linked to the utilization of federal transportation funding. Although EPA has not thus far questioned the credibility of SIP planning in such a way as to indicate a direct threat of sanctions under the CAA, there can be no certainty that the issue of sanctions will not be raised in the wake of the D.C. Court Decision. Meanwhile, even though the COG and EPA appear to be making a valiant effort to meet the conformity requirements of the Clean Air Act, we do not believe it is any longer credible to assume the legitimacy of the ROP planning measures that were

originally part of the Phase I and Phase II Attainment Plans in Fairfax County. Even if we are wrong on this point, our concerns about air quality planning capabilities in the County remain. The truly unfortunate part of all of this is that because of the past decisions made in the County to abdicate its air quality planning capability, the County has a relatively minor role in planning its own future under the existing scenario.

d. Earthjustice Legal Defense Fund (Sierra Club) Lawsuit

On July 2, 2002, the U.S. Court of Appeals for the D.C. Circuit issued a 13-page opinion unanimously rejecting the EPA decision on behalf of COG and the Transportation Planning Board (“TPB”) extending local metropolitan planning requirements under the Clean Air Act from 1999 until 2005. The EPA had approved the extension without designating the local planning area as a “severe” non-attainment area under the Clean Air Act and that decision, in particular, was rejected by the Court. In its decision and remand, the Court also addressed the failure of the SIP to include an adequate analysis of Reasonably Available Control Measures (“RACM”), to include 3% annual ROP plans and to have contingency measures, all as required by the Clean Air Act.

The D.C. Court decision is particularly troubling, in light of the successful resolution of the NOx SIP call litigation which otherwise allows reliance upon the effects of NOx transport into the Washington area. Most of the EPA/COG rationale for seeking the extension in the first place was associated with assumptions about NOx transport from upwind sources that were the subject of the NOx SIP call. Meanwhile, the ongoing failure to monitor actual attainment of either the one-hour or the eight-hour ozone standard clearly undercuts the assumptions that led to the request of the extension in the first place. Aside from the obvious effects of this decision on Phase II Attainment Planning, it places the metropolitan area in a serious dilemma with regard to conformity planning.

e. Periodic Emissions Inventory Update

The purpose of the periodic emissions inventory update is to provide a point of validation for ROP planning and other SIP activities intended to project attainment of Federal standards. These inventories are supposed to be updated every three years using the latest modeling available from EPA. The newest Mobile6 model was supposed to be available for use in 1999, but for a variety of reasons it has not been available until this year. As a result, all of the emissions inventories up until this year have been run using the Mobile5a model. Since the Mobile6 model has essentially just become available, we do not yet have results to validate our previous projections. 2002 is in the three year cycle, but as a practical matter, it is not anticipated that the inventory will actually be completed until 2003.

f. The Rise of Conformity

The purpose of conformity is to assure that planning for transportation activities is consistent with air quality management goals. In non-attainment areas such as the Metropolitan Washington Area, transportation planning cannot be allowed to proceed if: (1) it contributes to the creation of new air quality violations; (2) it contributes to the worsening of existing air quality violations; or (3) it delays the attainment of ambient air quality standards. Under the system as it is currently structured, the Metropolitan Washington Air Quality Committee (“MWAQC”), in consultation with the TPB, has the responsibility to establish the limits for mobile source emissions that apply to SIP development activities affecting Fairfax County.

In last year’s ARE and as late as April of this year, the TPB/MWAQC conformity analysis projected an eight ton per day NO_x shortfall based on the mobile emissions budget that was then part of the Phase II Attainment SIP. In the wake of the Sierra Club lawsuit, the TPB, apparently in collaboration with the EPA, has now adopted the old ROP SIP budgets in lieu of the attainment SIP budgets that were thrown out by the Court of Appeals in the Sierra Club lawsuit. The ROP budgets were approved on January 3, 2001 at the same time as the Attainment SIP and they actually exceed the attainment SIP budgets by a considerable amount.¹ As a result of this analysis and even though many questions should be posed about it, COG and the TPB are proceeding under the assumption that the conformity requirements of the CAA are being met and will continue to be met into the future.

Meanwhile, as if to underscore the lack of concern with which the State and the County seem to regard this situation, we see a new transportation referendum on the ballot for the 2002 Virginia general election. If the County truly supports the increased use of tax dollars for expanded transportation infrastructure, it is even more incumbent upon us to take the time and the effort to understand every step of the conformity process. Insofar as we are aware, no one in the County has taken the trouble to carefully analyze this situation and its potential effect on the future of transportation planning. Meanwhile, as of the writing of this report, the proposed conformity determination is under review by the Federal Department of Transportation and EPA.

2. Air Quality Status in Northern Virginia

a. Ground-level Ozone

The Metropolitan Washington, D.C. area, which includes Fairfax County, is currently classified as a serious non-attainment area for ozone. As a result of the Sierra Club decision discussed in the Introduction, it is virtually certain that the Washington Metropolitan area, including Fairfax County, will be reclassified as a

¹ The Attainment SIP budget consisted of 101.8 tons/day of VOC and 161.8 tons/day of NO_x in 2005. The counterintuitive result of reversion to the ROP SIP is that the emission budget now consists of 128.5 tons/day of VOC and 196.4 tons/day NO_x for 1999 and beyond.

severe non-attainment area for ozone. For all other Federal Air Quality standards, the area should remain in attainment.

b. Ozone Exceedances in 2001

Attainment of the ozone standard in the Metropolitan Washington, D.C. area will require three years with no ozone exceedances. An exceedant day (for the one-hour standard) occurs when an ozone-monitoring site exceeds the NAAQS of 0.12 ppm for at least one hour. In 2001 there were three ozone exceedant days of the one-hour standard in the metropolitan air quality region and one exceedant day in Fairfax County. On that day (June 20, 2001), air quality at the Lewinsville, Virginia monitoring station exceeded the standard. 2001 ozone exceedances of the one-hour standard for the region are shown in Table II-1.

The situation for the eight-hour standard, which will be the new standard in the near future, is not nearly so marginal. In 2001, there were 172 exceedances of the eight-hour standard on 23 different days in the metropolitan area. On 12 of those days, nine or more of the 18 monitoring stations in the Washington Metropolitan area showed exceedances. In Fairfax County alone, there were 41 exceedances of the eight-hour standard.² Insofar as they are available, 2001 exceedances of the eight-hour ozone standard are shown in Table II-2.

c. Air Quality Trends in Fairfax County

Although many believe that air quality in Fairfax County is improving, the best that can be said is that the pattern of ongoing violations of the one-hour ozone standard continued at more or less the same level through calendar year 2000. Notably, the pattern of violations has worsened considerably over the past 18 months. In 2002, the level of exceedances of the one-hour standard in Fairfax County has been one of the worst in years, with 11 exceedances so far on five different days. Figure II-1 presents a series of graphs displaying annual trends over the past several years based on the one-hour standard. The 2001 data show a reversal of the downward trend in unhealthy days for the first time in several years, and it looks as though 2002 will show a dramatic worsening in that trend. If we look at the eight-hour standard, the situation is much worse. In 2002, in Fairfax County alone, we have so far seen 71 violations of the eight-hour standard on 25 different days. Figure II-2 presents the eight-hour trends through 2001, and as with the one-hour standard, we can expect a significant worsening once the 2002 data become final.

² The 2001 Annual Air Quality Report does not present detailed data on eight-hour violations during 2001 in Fairfax County. The data presented here were taken from the Virginia DEQ website, and although they show the total number of eight-hour exceedances in 2001, they do not disclose over how many days those exceedances occurred.

Table II-1 Regional Ozone Exceedances, 2001		
Date	Location	Maximum One-Hour Ozone (ppm)
June 20	Greenbelt, MD	0.136
	Takoma Park, MD	0.132
	Lewinsville, VA*	0.127
	McMillan, DC	0.125
June 26	McMillan, DC	0.127
	Takoma Park, MD	0.126
June 29	Suitland, MD	0.126

*Fairfax County Monitoring Station

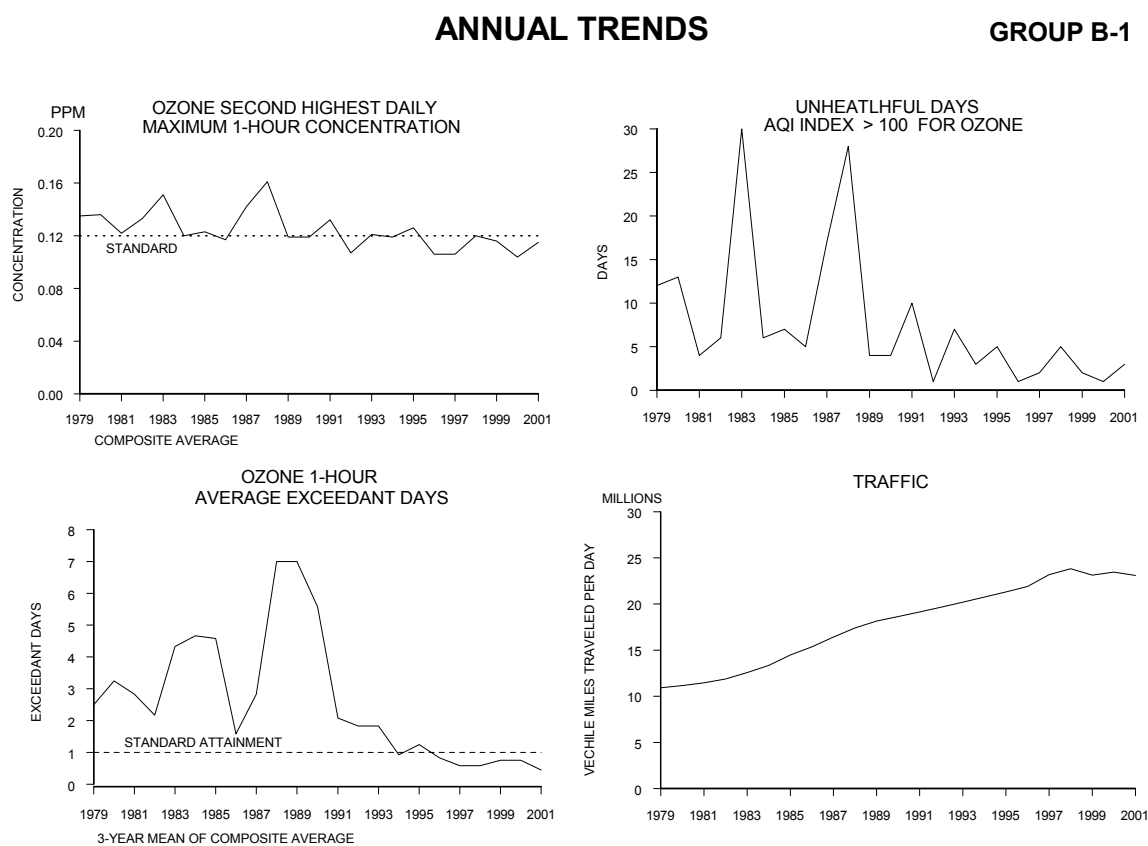
Source: Fairfax County Department of Health

Table II-2 Regional Ozone Exceedances, 2001, Eight Hour Average		
Date	Number of Stations that Exceeded the Standard	Maximum Value in the Metropolitan Statistical Area; Maximum 8-Hour Ozone (PPM)
May 1	3	0.089
May 2	9	0.094
May 3	10	0.100
May 4	9	0.096
May 5	1	0.089
May 11	1	0.088
June 12	3	0.096

Table II-2 Regional Ozone Exceedances, 2001, Eight Hour Average		
Date	Number of Stations that Exceeded the Standard	Maximum Value in the Metropolitan Statistical Area; Maximum 8-Hour Ozone (PPM)
June 13	15	0.104
June 18	8	0.101
June 19	3	0.093
June 20	18	0.112
June 21	10	0.097
June 26	13	0.108
June 27	9	0.101
June 28	12	0.097
July 16	1	0.085
July 17	9	0.094
August 1	1	0.094
August 6	6	0.088
August 7	13	0.092
August 8	7	0.091
August 9	10	0.100
August 15	1	0.085

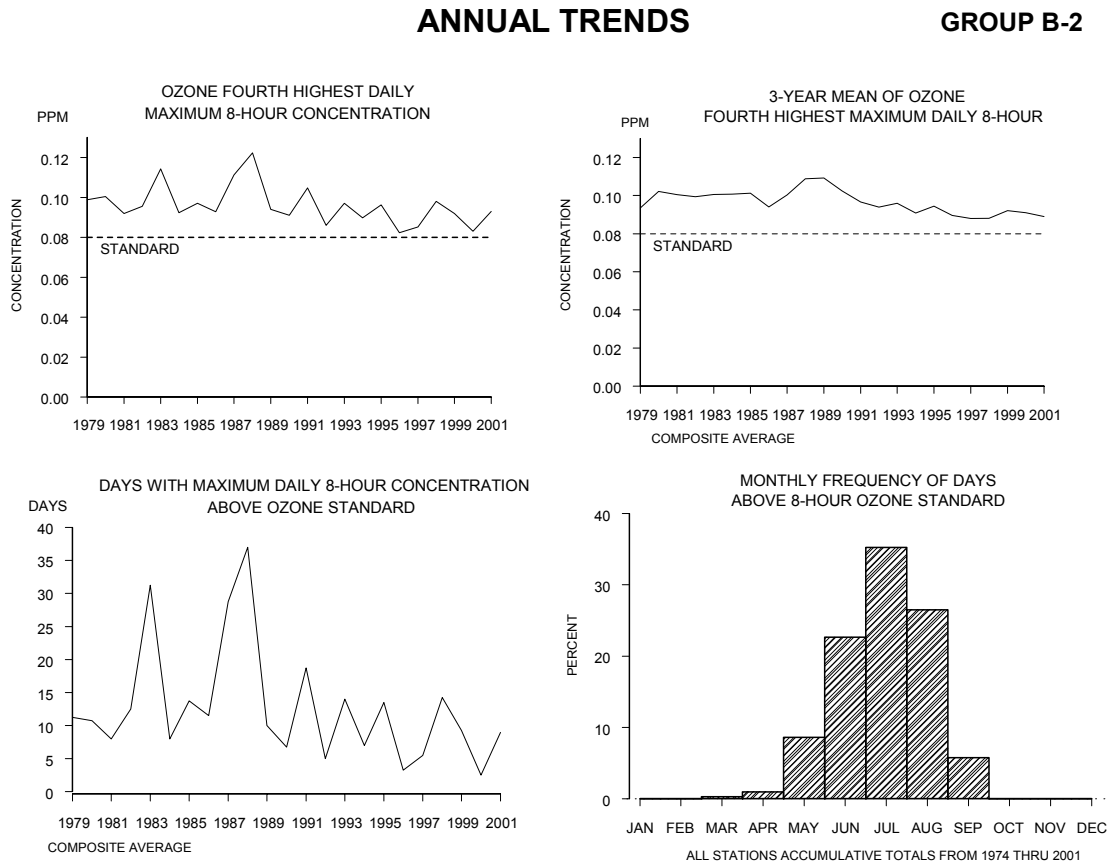
Source: Fairfax County Department of Health

Figure II-1: Air Quality Trends in Relation to a One-Hour Ozone Standard



Source: Fairfax County Department of Health

Figure II-2: Air Quality Trends in Relation to an Eight-Hour Ozone Standard



Source: Fairfax County Department of Health

B. MAJOR PUBLIC AGENCY RESPONSIBILITIES

1. Introduction

Although compliance with National Ambient Air Standards (“NAAQS”) and resulting air quality management responsibilities is a function of Federal law, in Fairfax County we have a bifurcated situation where these responsibilities have been split between the State of Virginia and the regional MPO. MPOs are set up under the CAA in metropolitan areas with populations in excess of 50,000. In more difficult situations, MPOs are multi-jurisdictional as is the case in the Washington MPO. Members of MPOs are appointed by the governors and mayors of affected jurisdictions to represent areas included in the MPO. The MPO works with state departments of transportation and transit providers in identifying transportation needs and priorities. They make transportation investment decisions for the metropolitan area and, by default, for the individual regions encompassed within the MPO.

2. Commonwealth of Virginia

a. Virginia State Air Pollution Control Board

This board is authorized to propose policies and procedures for air quality regulatory programs, including emissions standards for landfills and vehicles.

b. Department of Environmental Quality

This department is responsible for establishing standards for air quality monitoring and vehicular inspection and maintenance programs.

3. Region – The National Capital Region Transportation Planning Board (TPB), the Metropolitan Washington Council of Governments (COG), and the Metropolitan Washington Air Quality Committee (MWAQC)

The TPB serves as the designated MPO for the Washington region. The TPB is staffed by the Department of Transportation Planning, which is part of COG. Members of the TPB are appointed, and Fairfax County currently has three members of the Board of Supervisors sitting on the TPB. The TPB’s activities are coordinated through COG with the MWAQC, which is the designated entity responsible for air quality planning in the Metropolitan Statistical Area identified under Section 174 of the CAA. Although the MWAQC is technically a different body than the TPB, the members of each body are virtually identical. Other programs, such as those responsible for forecasting demographic changes, are also managed by COG. In this way, COG works toward solutions to regional problems related to air and water quality, transportation, and housing. COG is also responsible for issuing air quality indices on a weekly basis.

a. MWAQC Technical Advisory Committee

This committee reviews technical issues and documents before they are submitted to MWAQC for review and approval.

b. Forecasting Subcommittee

This subcommittee considers how to monitor and report the new eight-hour ozone standard and how to devise guidelines for issuing health alerts during the ozone season.

c. Attainment Subcommittee

This subcommittee considers evidence for the case that the Washington non-attainment area can attain the one-hour ozone standard with the control measures already adopted.

d. Conformity Subcommittee

This subcommittee reviews projects which will contribute to transportation demands, including help in determining if a project will contribute emissions which exceed the region's target volatile organic compounds (VOCs) and nitrogen oxides (NO_x).

In the past year, the Transportation Planning Board (TPB), which is the designated Metropolitan Planning Organization (MPO) for the region, has also been actively involved in addressing the conformity issue. The Air Quality Conformity Determination, which was released in October, 2000, is a key document related to conformity analysis that has been produced by the TPB. It is also the TPB that has convened the task force that is attempting to resolve the NO_x shortfall that currently plagues the region as well as Fairfax County.

e. Air Quality Public Advisory Committee

This committee has been set up to provide a vehicle to brief citizens on actions pending before MWAQC. This committee functions as an important source of feedback from the public on air quality concerns in the metropolitan area.

4. County of Fairfax

a. Department of Health, Division of Environmental Health, Community Health and Safety Module

This Division is authorized by the Fairfax County Code, Chapter 103, in cooperation with federal and state agencies, to conduct an air monitoring program. This division now provides consultative services to those requesting assistance in indoor air quality issues. If there is a substantial threat to public health, on-site investigations may be provided concerning indoor air quality and exposure to toxic

substances in non-occupational, indoor environments. This Division also represents the County in its interactions with MWAQC. The representative from the Health Department sits as a member of the MWAQC Technical Advisory Committee and functions as a conduit to communicate with the County on air quality issues of concern to MWAQC.

During a time of increasing responsibility to coordinate and manage the increasingly complex body of information relevant to air quality planning in Fairfax County, it is indeed ironic that County staffing for these activities has decreased almost in proportion to the need. During the 1980's, Fairfax County maintained a fully staffed air quality management operation, and into the 90's much of that capability remained until the 1996-1997 time frame. Even in the face of acknowledged concern over degraded air quality, our County air quality capability has been systematically reduced to the point where the only function that can even be minimally fulfilled is monitoring.

b. Department of Transportation

This agency is responsible for the planning and the coordination of improvements that reduce both congestion and the vehicle miles traveled.

C. PROGRAMS, PROJECTS, AND ANALYSES

1. Regional Air Quality Planning

Having failed to attain the federal NAAQS again in 2002, the County continues to sail uncharted waters in its air quality planning adventures. The elements of this complicated situation are pointed out in some detail in the "Issues and Overview" discussion above and elsewhere in the text of this Chapter of the ARE.

Although Phase II planning remains underway, the credibility of that effort is, in our view, substantially at risk given the results of the Sierra Club lawsuit. Meanwhile, the conformity review process seems to be proceeding with a life of its own with little indication that it has much, if any direct relationship with activities that are actually occurring in the County. To a great extent, the County has abdicated its air quality planning authority to the COG structure that coordinates regional planning.

As we have indicated many times in this report, EQAC is concerned about this situation. We do not advocate the re-creation of authority that is properly vested in the COG structure, but we do strongly advocate the need for the County to understand the relationship between its own circumstances and the planning structure currently responsible for air quality planning in the County. We remain concerned, as we have been for the last two years, about the need to act now to tighten the links between planning, particularly for transportation needs, and air quality management.

D. LEGISLATIVE UPDATE

1. Summary of Air Quality Laws Enacted by the Virginia General Assembly – 2001

There was no major or significant legislation in the 2001 General Assembly bearing directly on the subject of air quality that was actually passed into law. The 2001 General Assembly did address the issue of the Northern Virginia Transportation Authority, passing a bill in both the House and the Senate on February 21, 2002 that was signed by the Governor on March 27, 2001.

2. Summary of Air Quality Laws Enacted by the Virginia General Assembly – 2002

As was the case with the 2001 General Assembly, there was no major or significant legislation in the 2002 General Assembly bearing directly on the subject of air quality that was actually passed into law. The 2002 General Assembly did further address the issue of the Northern Virginia Transportation Authority, passing a bill revising statutory provisions in the original law and substituting provisions recommended by the Joint Subcommittee Studying Creation of a Northern Virginia Regional Transportation Authority together with modifications recommended by the Governor. Action on the bill was completed in March and after re-enrollment, the bill was signed by the Governor on April 18, 2002.

E. CONCLUSIONS AND OBSERVATIONS

1. As indicated in the introduction, we are faced again this year with a situation where our recommendations need to be considered in the context of a multi-year dialogue addressing these issues. Last year's staff response observed that there has been no direct action regarding the staffing recommendation that we have now made for the past two years. Nor has there been any serious or coordinated effort to develop alternative County-based strategies to address air quality issues or evaluate emission reduction strategies that the County can pursue unilaterally. In other words, no change, even though there appears to be substantial agreement with the overall thrust of our recommendations. It does appear from some of the previous responses, however, that there is a certain degree of satisfaction within the County that some of our concerns have been or could be addressed. As a precursor to our recommendations this year, we would like to address this subject more directly than we have been able to in the past.
2. In the 2001 response, reference was made to the 2000 response where staff stated that "...a number of policy and programmatic efforts that support EQAC's recommendation(s) were "highlighted." The implication seems to be that the County is already doing things that should or could address some of the concerns we have raised. The 2000 response specifically referenced three attachments that were provided as examples of efforts the

County has pursued in being proactive in air quality planning. Those three attachments were: (1) a Transportation Planning attachment; (2) a Site Analysis attachment; and (3) a Fairfax County Employer Services Program attachment. This year we would like to clarify our position that the planning and development review processes that were highlighted simply do not address air quality impacts in any focused or meaningful way.

Concerning the Transportation Planning attachment, to merely highlight these objectives without indicating how they have been or might be in the future implemented is relatively meaningless. Obviously, transportation facilities and services should be provided in a manner that minimizes community disruption and adverse environmental impacts. But how that turns into consideration of air quality impacts is not at all clear based on the four policies that were highlighted under the objective that was stated for our consideration.

If staff believes that the County “actively pursues efforts that are consistent with those suggested by EQAC through its planning and development review processes”, the examples that they have provided do not support that conclusion. To simply “encourage” development that provides a variety of complimentary uses in close proximity to one another is insufficient. To simply “encourage” development that both facilitates traffic management techniques and emphasizes coordination and interconnections among individual development projects is insufficient as well. This is particularly so given the current state of our efforts to attain air quality compliance in the County.

Finally, the notion that the framework for smart growth that we have recommended exists within the County’s Comprehensive Plan is not responsive to the point we are trying to make. Smart growth is much more than just a “possibility” in those areas where it has been successfully pursued. And the notion that it should be more than just a possibility is precisely what we have suggested should be discussed --- in detail! Those responsible for planning and implementing the use of tax dollars for transportation infrastructure and private dollars for development need to understand the concepts associated with “smart growth” and the specifics associated with the use of those concepts. The question is whether smart growth can be successfully and directly integrated into the traditional approach to comprehensive planning and zoning that we find in Fairfax County.

Smart growth is always a “possibility,” but Fairfax County is one of the best examples we can think of where it simply has not happened. We seem to be at the stage where we are discussing whether it should or can happen in Fairfax County and it is somewhat fatuous to suggest that it is always a “possibility”. The salient point, which is that the County should take a “hard look” at smart growth, has admittedly not occurred.

The more basic conclusion is that the County has not taken adequate steps to integrate air quality planning directly into the planning process by any means, either through the pursuit of additional staffing or through some sort of meaningful consideration of smart growth related programs, or for that matter anything else. Meanwhile, EQAC has itself begun a “more robust and comprehensive discussion” of air quality planning options in the County with the ECC, the PC and the TAC. Our discussions so far can perhaps best be described as cordial and hopeful, although there appears to be a certain degree of defensiveness.

Now that we have begun to proceed down the path of “further discussions”, we are particularly concerned that discussing the subject is all that we may be able to achieve.

F. RECOMMENDATIONS

1. The events of the past year have unfortunately vindicated EQAC’s past concerns about the state of air quality planning and regulation in the Washington Metropolitan Region. The plain facts are that the COG’s effort to manage the Region’s air quality control needs through (relatively) marginal measures have not succeeded. The combination of legislation, litigation, public transportation and urban development trends, as well as weather conditions have created a situation in which it is clear that the Region will inevitably be forced to make more difficult choices to improve air quality or face the serious financial and economic consequences of loss of Federal transportation funding and the many other adverse economic and health impacts associated with air quality that does not meet federal standards. Fairfax County can no longer leave the fundamental policy issues to the COG and simply attempt to concentrate on ensuring that our County is treated equitably compared to other jurisdictions in the Region. Fairfax County has too much to lose from a failure to resolve the Region’s air quality issues in a manner that has positive results for the County. EQAC urges the County to take a pro-active approach: exercise its leadership capabilities to develop a stronger air quality control program that will ensure compliance with a reasonable margin of safety, and work through the COG to persuade other jurisdictions in the Region to do their fair share as well.
2. To accomplish this objective, EQAC renews its recommendation that Fairfax County strengthen its own capability to understand the technical air quality issues, identify and evaluate the impact of various alternative approaches to ensuring improved air quality, develop policies and programs that can be applied regionally to accomplish that goal, and persuade other jurisdictions to join in these efforts. As indicated in the Memorandum dated August 28, 2002 to Mr. Stalzer (as provided in Appendix A of this report), EQAC strongly recommends the hiring of at least one staff person who can supply the expertise necessary to support the Board of Supervisors in understanding the real choices and consequences and developing the strategy to achieve the County’s goals.
3. As important as additional staff, EQAC recommends that the Board of Supervisors devote more of its own energies to understanding and addressing the difficult issues raised by the Region’s air quality problems, both in its own decisions and in the guidance it provides to the County’s land use and transportation boards and staffs. Without a coordinated implementation of new policies that recognize the necessity for a higher priority for air quality impacts of County decisions, the Board’s efforts will be undermined by the continuation of existing approaches that have not succeeded in producing the necessary levels of air quality. An understanding of the relationship of air quality to land use and transportation decisions, both immediate and long term, in all of the relevant units of the County government is essential to a successful effort to overcome the existing difficulties.

4. As a means of focusing attention on the decisions that are necessary, EQAC recommends that the County set a deadline of June 30, 2003 for the adoption of a new Air Quality Attainment Strategy – a public document adopted by the Board that sets out the policies and priorities that Fairfax County intends to pursue both within the County and through COG to ensure the achievement of the necessary levels of air quality with a reasonable margin of safety. The establishment of a target date will create the appropriate sense of urgency in dealing with a problem that will take years to solve but must be met head-on immediately. Hiring new staff, as we have recommended in the past, is just a means to accomplishment of this goal.

LIST OF REFERENCES

2001 Annual Air Quality Report, Fairfax County Health Department, Community Health and Safety Section, Division of Environmental Health.

Agency Responses to the Environmental Quality Advisory Council Recommendations Contained within the 2001 Annual Report on the Environment, (memorandum from the County Executive to the Board of Supervisors dated March 14, 2002).

Information for the 2002 EQAC Annual Report, (memorandum from the Director, Department of Health to the Director, Department of Planning and Zoning dated April 23, 2002).

Bylaws of the National Capital Region Transportation Planning Board, as Amended September 15, 1993.

Overview of the Federal Highway Administration/Federal Transit Administration's Metropolitan Transportation Planning Process, Eastern Resource Center, Federal Highway Administration.

TPB Fact Sheet, National Capital Region Transportation Planning Board.

Virginia DEQ Website, information on ozone exceedances.